

1st Sub. H.B. 216

INCORPORATION OF A TOWN AMENDMENTS

HOUSE COMMITTEE AMENDMENTS

AMENDMENT 1

JANUARY 25, 2010 5:20 PM

Representative **Gage Froerer** proposes the following amendments:

1. *Page 1, Line 11:*

11 This bill:
amends notice requirements;

2. *Page 4, Line 88:*

88 (III) publishing notice of the public hearing in accordance with ~~{Section 45-1-101.}~~ **Section**
63F-1-701 on the Utah Public Notice Website.

3. *Page 7, Lines 207 through 210:*

207 ~~[(H)]~~ (ii) **(A)** the results of the financial feasibility study described in Subsection (8)(a)(i)
208 show that the average annual amount of revenues described in Subsection (1)(b)(i) ~~{+}~~ does not
209 exceed ~~{+}~~ ~~{-exceeds-}~~ the average annual amount of costs described in Subsection (1)(b)(ii) by more
210 than ~~{-10%-}~~ **25%** ~~{+}~~ ; or ~~{+}~~ .
(B) the results of the financial feasibility study described in Subsection (8)(a)(i) show
that the average annual amount of costs described in Subsection (1)(b)(ii) does not exceed the average
annual amount of revenues described in Subsection (1)(b)(i) by more than 10% .

4. *Page 8, Lines 213 through 239:*

213 (c) (i) If ~~[the county legislative body commissions a financial feasibility study under~~
214 ~~Subsection (8)(a) and]~~ the results of the financial feasibility study described in Subsection
215 (8)(a)(i) show that the average annual amount of revenues described in Subsection (1)(b)(i)
216 ~~{+}~~ exceeds ~~{+}~~ ~~{-does not exceed-}~~ the average annual amount of costs described in Subsection
217 (1)(b)(ii) by more than ~~{-10%-}~~ **25%** , the county legislative body ~~[may]~~ shall:
218 (A) deny the petition, ~~[subject to]~~ in accordance with Subsection (8)(c) ~~{-ii-}~~ **(iii)** ~~{+}~~ , if the
219 results of the financial feasibility study show that the average annual amount of revenues
220 described in Subsection (1)(b)(i) exceeds the average annual amount of costs described in
221 Subsection (1)(b)(ii) by **more than** 25% ~~{-or more-}~~ ~~{+}~~ ; or
222 ~~[(B) approve the petition and hold an election for town officers, as provided in~~
223 ~~Subsection (9); or]~~
224 ~~[(C)]~~ **(B)** (I) with the consent of the petition sponsors:
225 (Aa) impose conditions to ~~[mitigate the fiscal inequities identified in the financial~~

226 feasibility study] prevent the average annual amount of ~~{costs}~~ revenues described in Subsection
 (1)(b) ~~{(ii)}~~ (i)
 227 from exceeding the average annual amount of ~~{revenues}~~ costs described in Subsection
 (1)(b) ~~{(i)}~~ (ii) by
 228 more than ~~{10}~~ 25 %; or
 229 (Bb) alter the boundaries of the area proposed to be incorporated as a town to
 230 approximate the boundaries necessary to prevent the average annual amount of ~~{+}~~ revenues ~~{+}~~
~~{costs}~~
 231 described in Subsection (1)(b) ~~{+}~~ (i) ~~{+}~~ ~~{(ii)}~~ from exceeding the average annual amount of
~~{+}~~ costs ~~{+}~~
 232 ~~{revenues}~~ described in Subsection (1)(b) ~~{+}~~ (ii) ~~{+}~~ ~~{(i) by more than 10%}~~ by more
than 25% ; and
 233 (II) approve the incorporation petition and hold an election for town officers, as
 234 provided in Subsection (9).

(ii) If the results of the financial feasibility study described in Subsection (8)(a)(i) show that the average annual amount of costs described in Subsection (1)(b)(ii) exceeds the average annual amount of revenues described in Subsection (1)(b)(i) by more than 10 %, the county legislative body shall:

(A) deny the petition in accordance with Subsection (8)(c)(iii); or

(B)(I) with the consent of the petition sponsors:

(Aa) impose conditions to prevent the average annual amount of costs described in Subsection (1)(b)(ii) from exceeding the average annual amount of revenues described in Subsection (1)(b)(i) by more than 10 %; or

(Bb) alter the boundaries of the area proposed to be incorporated as a town to approximate the boundaries necessary to prevent the average annual amount of costs described in Subsection (1)(b)(ii) from exceeding the average annual amount of revenues described in Subsection (1)(b)(i) by more than 10 %; and

(II) approve the incorporation petition and hold an election for town officers, as provided in Subsection (9)

235 ~~{(ii)}~~ (iii) A county legislative body intending to deny a petition under Subsection (8)(c)(i)(A)
or (8)(c)(ii)(A)
 236 shall deny the petition within 20 days after the feasibility consultant submits the written results
 237 of the financial feasibility study.
 238 (d) Each town that incorporates pursuant to a petition approved after the county
 239 legislative body imposes conditions under Subsection (8)(c)(i)~~[(C)(I)]~~(B)(I)(Aa) or (8)(c)(ii)(B)(I)(Aa)
 shall comply

5. Page 9, Line 249:

249 results of the financial feasibility study, for an election under Subsection (8)(c)(i)~~[(C)]~~(B)(II) or
(8)(c)(ii)(B)(II) .

